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7		THE HONORABLE RONALD B. LEIGHTON
8	UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON	
9	ATTA	COMA
10	PACIFIC CREST HOMEOWNERS	) Case No. 10-5186
11	ASSOCIATION, a Washington nonprofit corporation,	) Case No. 10-3180
12	Plaintiff,	) ) LINOPPOSED MOTION TO
13	v.	<ul><li>UNOPPOSED MOTION TO</li><li>STAY AND PROPOSED ORDER</li></ul>
14	ASSURANCE COMPANY OF AMERICA, a	) NOTE DATE: April 20, 2010
15	New York Company,	)
16	Defendant.	)
17	I. Unopposed Motion to Stay	
18	Pursuant to the inherent authority of the Court, Plaintiff moves for a stay of this action	
19	due to related litigation currently ongoing in the Superior Court of Washington for Pacific	
20	County. The parties have conferred with respect to this motion and it is unopposed.	
21	Plaintiff asks that the Court order that all matters in this case be stayed, including	
22	discovery. The parties shall advise the Court within twenty (20) days of a judgment or	
23	settlement in Pacific Crest Homeowners Association v. Matthew A. Doney, Trent Doney, and	
24	John Does 1-10; Superior Court of Washington for Pacific County, Case No. 09-2-00320-5 (the	
25	"Doney Lawsuit") or Pacific Crest Homeowners Association v. Mead Engineering Resources,	
26	Inc., et al.; Superior Court of Washington for Pacific County, Case No. 09-2-00414-7 (the	

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- "Subcontractor Lawsuit"), whichever resolves later. The motion is supported by the following
  Points and Authorities.
- 3 II. Points & Authorities

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- A. Introduction
- 5 Plaintiff is a homeowners association for a condominium development located in Pacific
- 6 County, Washington. The unit owners at Pacific Crest have suffered property damage to their
- 7 individual units and common elements. The property damage has unfortunately spurred several
- 8 lawsuits, in addition to the present lawsuit. The pending lawsuits include:
- 9 1. Pacific Crest Homeowners Association, et al.
  - v. Pacific Crest 1 Development, LLC, et al.
- Superior Court of Washington for Pacific County
- Consolidated Case No. 08-2-00216-2
- (the "Developer Lawsuit")
- 12 2. Pacific Crest Homeowners Association
  - v. Matthew A. Doney, Trent Doney, and John Does 1-10
- Superior Court of Washington for Pacific County
- Case No. 09-2-00320-5
- (the "Doney Lawsuit")
- 15 *Pacific Crest Homeowners Association* 
  - v. Mead Engineering Resources, Inc., et al.
- Superior Court of Washington for Pacific County
- Case No. 09-2-00414-7
- (the "Subcontractor Lawsuit")
- The Developer Lawsuit resulted in a default judgment in favor of Plaintiff. The Doney
- Lawsuit and the Subcontractor Lawsuit were filed prior to the present lawsuit and both are
- currently in the midst of discovery. Plaintiff in this action was forced to file the present lawsuit
- due to statutory and/or contractual limitations periods. Many of the issues relevant to the Doney
- and Subcontractor Lawsuits overlap with the present proceeding. Both Plaintiff and Defendant
- believe and hope that the resolution of the Doney Lawsuit and the Subcontractor Lawsuit will
- 24 moot the issues in this lawsuit and preclude further litigation between these parties. As a result,
- 25 the parties wish to stay these proceedings until resolution of the Doney Lawsuit and
- 26 Subcontractor Lawsuit.

## В. **Legal Standard** 1 A trial court may, with propriety, find it is efficient for its own docket and the fairest 2 course for the parties to enter a stay of an action before it, pending resolution of independent 3 proceedings which bear upon the case. This rule applies whether the separate proceedings are 4 judicial, administrative, or arbitral in character, and does not require that the issues in such 5 proceedings are necessarily controlling of the action before the court. Leyva v. Certified Grocers 6 of CA Ltd., 593 F2d 857, 863-64 (9th Cir 1979) (cited as authoritative by RSUI Indemnity Inc. v. 7 Vision One, LLC, 2010 WL 596193 (WD Wash 2010) and Florer v. Johnson, 2008 WL 925546 8 (WD Wash 2008)). 9 C. **Legal Analysis** 10 The parties do not wish to expend time and money on the present litigation, nor to impose 11 case-handling duties on the Court and Court staff, when it is possible that the Doney Lawsuit and 12 Subcontractor Lawsuit may moot the issues between the parties and preclude further litigation. 13 The parties therefore ask that the present action be stayed pending the outcome of the Doney 14 Lawsuit and Subcontractor Lawsuit. 15 DATED this 20th day of April, 2010. 16 PARSONS FARNELL & GREIN, LLP 17 18 By: Michael E. Farnell, WSBA #23735 19 E-Mail: mfarnell@pfglaw.com Telephone No.: 503-222-1812 20 Facsimile No.: 503-274-7979 Of Attorneys for Plaintiff, 21 Pacific Crest Homeowners Association 22 IT IS SO ORDERED 23 DATED this 21st day of April, 2010. 24 25 RONALD B. LEIGHTON UNITED STATES DISTRICT JUDGE 26